



December 12, 2019

The Hon. P. Kevin Castel
United States Judge
United States District Court
Southern District of New York
500 Pearl Street, Rm. 11D
New York, NY 10007

Re: GDRI v. NYCDOE, 12 CV 7387 (PKC) – REQUEST FOR DISCOVERY CONFERENCE

Dear Judge Castel:

This office represents Plaintiffs in the above-referenced matter. I write pursuant to Fed. R. Civ. P. 37(a)(1) and Local Rule 37.2 to request a telephone conference with the Court concerning the Defendants' delay in producing documents and other electronically stored information in response to Plaintiffs' discovery demands.

Plaintiffs served their document demands on July 10, 2019. Exhibit A. The parties agreed to ESI search terms soon thereafter. To date, however, the only files produced by the Defendants are certified payroll records produced in 2016, apparently for use in a case before Judge Koeltl. Plaintiffs are still waiting for documents and communications responsive to their demands in this case.

In contrast to the Defendants, Plaintiffs have been rolling out their production since October and completed their full production on November 27, 2019. Plaintiffs have already taken two third-party depositions and are scheduled to take depositions of NYCDOE witnesses starting next Tuesday, December 17, 2019.

The undersigned has conferred with counsel for the Defendants regarding the delay on multiple occasions. While I sympathize with the reasons offered for the delay, it is now prejudicial to my clients. Plaintiffs cannot be expected to complete depositions without the benefit of document discovery. Counsel for NYCDOE has agreed to keep the depositions "open" for questions regarding the belated production, but the fact of the matter is that there is no time for this. Discovery closes at the end of this month and a pretrial conference

is scheduled for January 13, 2020. The discovery deadline has already been extended three times.

My clients view the delay is yet another example of the abuse being leveled against them by NYCDOE in retaliation for their efforts to advocate for compliance with New York State Education Law. We ask the Court to consider a motion to compel the immediate production of all documents responsive to Plaintiffs' demands and grant a 30 day extension of time for the Plaintiffs to complete depositions after all responsive documents and other materials have been produced by the Defendants.

Respectfully submitted,


Katherine J. Daniels

cc: Counsel of Record via ECF

The defendants are ordered to produce all non-privileged, non-work product responsive documents and produce a privilege log for all withheld documents by January 17, 2020. The plaintiffs may continue to conduct discovery until February 17, 2020. The January 13 conference is adjourned until March 17, 2020 at 11:30 a.m.

SO ORDERED.

Dated: 12/13/2019


P. Kevin Castel
United States District Judge